

F



Office of Science and Technology

**Code of Practice
for
Scientific Advisory Committees**

DECEMBER 2001

M
3247

dti

Department of Trade and Industry

This book is due for return on or before the last date shown below.

Don Gresswell Ltd., London, N21 Cat. No. 1207

DG 02242/71



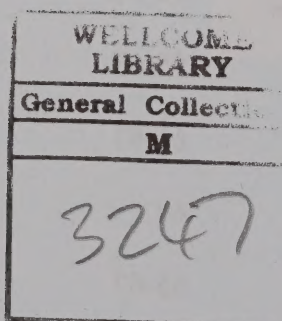
22501515072

CODE OF PRACTICE FOR SCIENTIFIC ADVISORY COMMITTEES

Contents

	Paragraphs
Introduction	1-5
The context in which scientific advisory committees work	6-10
The committee's role and remit	11-13
Early identification of issues	14-15
Balance of expertise	16-20
Conflicts of interest	21
Responsibilities of Chairs	22
Members rights and responsibilities	23-32
Handling of expenses	33
Liabilities of members	34-35
Role of the secretariat	36-43
Role of other assessors or officials	44-45
Working practices	46-54
Reporting of risk and uncertainty	55-60
Procedures for arriving at conclusions	61-63
Dealing with dissenting views	64
Publication of documents – general	65-67
Dealing with confidential material	68-71
Meeting agenda	72
Publication of minutes	73-75
Submitting and publishing a committees advice	76-81

Frequency of publication and content of regular reports	82
Stand-alone reports on specific issues	83-84
Publication of background documentation	85-88
Working papers	89
Publication of applications	90
Communication with the public	91-92
Open meetings	93
Public consultation	94-96
Peer review	97
Communication with the media	98
Information exchange	99-100
Seven Principles of Public Life (Nolan Principles)	Annex A
Cabinet Office Consultation Criteria	Annex B
References and useful publications	Annex C



CODE OF PRACTICE FOR SCIENTIFIC ADVISORY COMMITTEES

Introduction

1. This Code is intended for the use of scientific advisory committees, their chairs, members and secretariats.
2. The role of government departments in the process of obtaining and using scientific advice is addressed through Guidelines 2000: Scientific Advice and Policy Making and other relevant guidance addressed to departments. A list of relevant sources and website addresses is attached at Annex C.
3. The basic principles which government departments should follow in assembling and using scientific advice, as set out in Guidelines 2000, are that departments should:
 - think ahead, identifying the issues where scientific advice is needed at an early stage;
 - get a wide range of advice from the best sources, particularly where there is scientific uncertainty; and
 - publish the scientific advice they receive and all the relevant papers.
4. These principles are intended to be of general application to the procurement of scientific advice, irrespective of whether it is sought from in-house experts or from external individuals or bodies. Guidelines 2000 therefore applies when scientific advisory committees are used to obtain or offer views.
5. The purpose of this Code of Practice is to provide more detailed guidance specifically focused on the operation of scientific advisory committees and their relationship with government, and to help translate the Guidelines into day-to-day practice.

The context in which scientific advisory committees work

6. The function of a scientific advisory committee is to help Government collect scientific information and make judgements about it. Such committees give advice on a very wide range of issues, spanning everything from the food we eat and grow to the quality of our environment, the safety of our roads and transport, and the buildings we live and work in. They review, and sometimes commission, scientific research, and they offer independent expert judgement, including where facts are missing or uncertainties exist. Scientific advisory committees may be required to provide either scientific advice, advice on scientific issues, or indeed both. Increasingly they have to frame their advice to take account of social and ethical issues and public and stakeholder concerns.
7. The committees to which the Code applies would exclude research grant or other resource-awarding committees.

8. A scientific adviser, whether a committee or a person, is generally responsible for providing scientific input to assist policy making or analysis. This should include highlighting issues likely to be of future concern that lie within their terms of reference. The task of policy making, which is essentially one for government, can be thought of as working up practical options for responses to the problem on which scientific advice has been sought, analysing those options and making decisions on them. A committee advising on science would not normally undertake the role of policy making. However, it may be asked on occasions to comment on policy options put before it by government or to provide policy options for Government to consider including advice on risk management.¹
9. A committee as such will not be expected to fulfil the role of a stakeholder representative, although individual members of that committee may have been appointed because of their stakeholder interests.
10. Where a scientific advisory committee is established to cover issues that are likely to be long-lived, the sponsoring department(s) will need to investigate whether it should be formally established as a Non Departmental Public Body (NDPB). All appointments to such committees should comply with the guidelines issued by the Office of the Commissioner for Public Appointments (OCPA). Committees are subject to periodic review.

The Committee's role and remit

11. The terms of reference for most scientific advisory committees are set by Government. It is Government's responsibility to ensure that a committee's remit is clear, and it is the committee's responsibility to raise concerns if they believe there are ambiguities. As a general principle, any required clarification of a committee's role should take place before a committee begins its work.^{2 3} A committee's formal terms of reference may well have been set in statute or be otherwise difficult to change, or be so broad as to leave scope for interpretation. In addition, committees' roles tend to evolve over time. Members may be asked to offer advice on new developments not foreseen when the terms of reference were set out. Committees should create periodic opportunities for members to discuss the committee's role, activities and resources, and review these for consistency with the formal terms of reference. Any necessary revisions should then be considered with sponsoring departments.
12. The committee should be clear on its day-to-day reporting lines to Government. A scientific advisory committee will normally report formally through the Chair to the sponsoring department. Some committees may be required to report jointly to more than one department, including to departments in the devolved administration. In some cases there may also be an additional reporting line to the sponsoring department through the

¹ Lord Phillips' Report, (Lessons, paragraph 1290, Vol 1 of BSE Inquiry Report) notes that, "It may be appropriate to ask the committee to set out a range of policy options, together with the implications of each," and also "Where a sponsoring department seeks advice on the implications of policy options, this may best be achieved by dialogue between government and the committee."

² BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 104/105

³ This should include the extent and manner in which the committee will contribute to deciding policy. BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 115

secretariat. Where this is the case, members of the committee should be made aware of this.

13. Where a committee is required to offer advice on social, ethical and economic considerations which bear on the scientific advice, it should be made explicit to the committee that this role is being taken on. In putting forward its advice, the committee should make clear any limitations on its expertise to address such wider considerations.

Early identification of issues

14. In order to provide timely advice to Ministers, committees should ensure that they have mechanisms in place that allow them to consider on a regular basis whether new issues in their particular areas of responsibility are likely to emerge for which scientific advice or research might be needed.
15. New or unexpected developments in science and technology may also give reason for committees to review advice that they (or their predecessors) have issued in the past. Committees should consider this possibility alongside the emergence of new issues.

Balance of expertise

16. The secretariat of the committee should prepare a membership template, setting out the context in which members, including lay members, have been appointed in terms of relevant expertise and/or membership of a particular interest group. The function of the template is primarily to assist in arriving at a view on the balance of expertise. It is not intended that it should circumscribe members' roles or their freedom to question any aspects of committee business.
17. The range of expertise required for a particular committee may not become obvious until it has begun its discussions. In such cases the committee should advise the sponsoring department(s) of any gaps.
18. The committee should be given a regular opportunity to review the template. This review should be aimed at enabling members to satisfy themselves, insofar as they are able, that the balance of expertise⁴ is adequate to perform the role with which they are entrusted.⁵ Any concerns should be raised with the Chair and the secretariat.
19. Where a committee lacks the relevant expertise for a particular project or task, the committee should co-opt appropriate experts or establish sub-groups to include such people on an ad hoc, time-limited basis.
20. Chairs, members and secretariats should, regularly review the phasing and length of appointments to ensure both continuity and fresh perspectives and report to sponsoring departments any difficulties they foresee. Such reviews of membership and appointments should take into account the particular nature of the scientific field and the available pool of expertise.

⁴ Lord Phillips' Inquiry noted that "A lay member can play a valuable role on an expert committee" - BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 138

⁵ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 106

Conflicts of interest

21. Committees should draw up procedural rules for handling conflicts of interest that reflect government guidance. This can be found in the Cabinet Office publication, *Non-Departmental Public Bodies: A Guide for Departments*, particularly Chapter 7 and Annexes H (*Guidance on Codes of Practice for Board Members of Public Bodies*) and J (*Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies*). A committee's rules should cover how to recognise conflicts, how to resolve them, what happens if the rules are not observed and the procedure for regularly updating a register of interest.⁶ Guidance on handling conflicts of interest during the appointment stage can be found in the *Commissioner for Public Appointments' Guidance on Appointments to Public Bodies*. Other relevant publications include OST's Good Practice Guidelines for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest (2000).⁷

Responsibilities of chairs

22. Chairs of advisory committees have responsibility for:
- the operation and output of the committee, including assessing the workload and ensuring that the volume of work does not compromise the rigour of the discussion;
 - ensuring that members have any necessary training to enable them to fulfil their role and providing an appraisal of members performance as necessary;
 - ensuring that every member of the panel has the opportunity to be heard and that no view is ignored or overlooked, using, where appropriate, a structured process which ensures that all views are captured and explored;
 - ensuring that the full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account;
 - ensuring that the secretariat accurately documents the proceedings of the committee so that there is a clear audit trail showing how the committee reached its decisions.
 - ensuring that any significant diversity of opinion among the members of the panel is fully explored and discussed and if it cannot be reconciled is accurately

⁶ Phillips notes that "where any item of business involves an apparent conflict of interest on the part of a member, that should be declared (BSE Inquiry Report, Vol 1, para 1290)."

⁷ Phillips notes that "Potential conflicts of interest should not preclude selection of those members otherwise best qualified, but conflicts of interest should be declared and registered (BSE Inquiry Report, Vol 1, para 1290)."

reflected in the report and in any other communications with sponsoring departments;

- reporting the committee advice to Government.
- representing the committee to the public or the media (unless other specific arrangements have been made);
- ensuring that the committee acts in accordance with this Code.

Members' rights and responsibilities

23. Ministers for sponsoring department will usually appoint members of scientific advisory committees. Insofar as the power to appoint, or to recommend appointment, lies with the committee (for example when co-opting individuals with specific expertise), the general principle of selection should be that appointments are made on merit in accordance with the Commissioner for Public Appointments' Code of Practice .
24. Members should be asked on appointment to confirm that they have accepted the Seven Principles of Public Life (sometimes referred to as the Nolan Principles) set out by the Committee on Standards in Public Life. (Annex A)
25. Members of the committee should ensure they understand why they are being appointed and in what capacity, and the role they are expected to play on the committee. Members should understand the nature of any expertise that they are asked to bring. Members with a particular expertise have a responsibility to make the committee aware of the full range of opinion within the discipline. Lay members should be clear about the capacity in which they have been appointed and the role they are expected to fulfil.
26. Members should confirm before accepting an invitation to serve on a committee that they are clear about the period of appointment and that they can fulfil the commitment required in terms of meeting attendance, committee business and preparation for meetings.⁸
27. Unless specifically stated otherwise, members of committees complying with this Code are appointed as individuals to fulfil the role of the committee, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Members are normally appointed on a personal basis, even when they may be members of stakeholder groups. Where members declare an organisation's views rather than a personal view, they should make that clear at the time of declaring that view.
28. If additional clarification of members' roles is required, this can most usefully be done after they are appointed, but before they begin work.

⁸ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 107

29. A member's role on the committee should not be circumscribed by the expertise or perspective he or she was asked to bring to that committee. Any report belongs to the whole committee. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information do not relate to their own area of expertise. If members believe the committee's method of working is not rigorous or thorough enough they should have the right to ask that any remaining concerns they have be put on the record.
30. All members and secretariats should regard it as part of their role to:
- consider whether the questions on which the committee offers advice are those which are of interest to the public and other interested parties outside the scientific community;
 - examine and challenge if necessary the assumptions on which scientific advice is formulated and ask for explanations of any scientific terms and concepts which are not clear;
 - ensure that the committee has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders before a decision is taken;
 - ensure that the committee's advice is comprehensible from the point of view of a lay person.
31. All members should share in the general responsibility to consider the wider context in which their expertise is employed. There may, however, be a particular role in this regard for members who are present in a lay capacity.
32. Members joining committees should undergo an induction process. This should cover the following issues (notwithstanding that some of these may have been dealt with by the sponsoring department during the appointment process):

Explanation of the committee's official remit

The committee's authority and powers

Who sets the committee's agenda

On what basis decisions are made

The committee's current work and its future agenda

The role of the secretariat and other officials

Whether meetings are open to the public

How the public can find out what is discussed

Rights and responsibilities of members

What capacity they are serving in (as individuals as opposed to being a delegate of an organisation)

What commitment is required in terms of meeting attendance, committee business and preparation for meetings

Whether any proceedings or papers are confidential

The likelihood of media contact and how members should deal with it

Whether members personal details (if only name and affiliation) will be available to the public, bearing in mind personal security and other considerations.
The rules governing declarations of outside interests, potential conflicts of interest, and gifts and hospitality
How conflicts of opinion are resolved
Their term of appointment
Remuneration (if any) and reimbursement of expenses
Personal liability

Handling of expenses

33. Members are entitled to fair and prompt repayment of legitimate expenses, provided that they follow the rules governing the submission of claims and their timing.

Liabilities of members

34. The Cabinet Office Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies states that: *“Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions. Board members who need further advice should consult the sponsor department.”*
35. This should already be the position for existing advisory NDPBs. For newly established committees and for non-NDPBs, secretariats should liaise with the Treasury Officer of Accounts Team to ensure that appropriate indemnity for members is in place.

Role of the secretariat

36. The primary function of the secretariat is to support the committee by assembling and analysing information and recording conclusions. It should advise committees on the process and procedure. It should bring to the attention of committees and their members emerging issues of concern so as to inform the committee's deliberations. The secretariat should arrange regular briefing meetings with the Chair.
37. The secretariat should provide committee Chairs with the induction required by Cabinet Office guidance and also provide them with the opportunity to undertake appropriate training in developing their skills in committee management and communication skills.⁹

⁹ (Non Departmental-Public Bodies: A Guide for Departments, March 2000 Annex E para 38) Sponsor Units should arrange to provide the Chair, prior to appointment, with clear information on the NDPB and the job; give thorough briefing information on appointment; set up suitable induction meetings with senior officials in the department; and encourage the taking up of appropriate training.

38. The secretariat should include, or have access to, people with relevant technical/scientific expertise.
39. The secretariat should be an impartial and disinterested reporter. It should at all times respect the committee's independent role. It should guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the committee's deliberations.¹⁰
40. The secretariat should ensure that the proceedings of the committee are properly documented so that there is a clear audit trail showing how the committee reached its decisions.
41. The secretariat should, as far as it is aware, identify all relevant and appropriate scientific information and ensure that it is made available to the committee. Information should not be withheld from the committee on the grounds of commercial or government confidentiality. The secretariat should make the committee aware of the existence of any information that has been withheld from the committee on grounds justified under the Code of Practice on Access to Government Information¹¹.
42. The common practice for the secretariat to be drawn from the commissioning Department(s) supports a two-way channel of communication between the Department and the advisory committee. The secretariat should therefore alert the appropriate Department to emerging developments or implications of advisory committee discussions.¹⁰
43. The secretariat should draw up appropriate procedures, approved by the committee, of its handling of confidential material so that this can be communicated to suppliers of such information. The procedures should be drawn up in accordance with the principles of openness and transparency of the Code of Practice on Access to Government Information, with the aim of ensuring that material is only withheld from public release for confidentiality reasons when there are justifiable reasons for doing so.

Role of other assessors or officials

44. ☒ Committee members should be aware of the role of Departmental representatives and other officials and advisers having contact with committees and/or attending meetings as observers, (or in any other capacity). Such officials should at all times respect the committee's independence. Secretariats should ensure that the balance between officials attending to members present is kept within reasonable limits.

¹⁰ Lord Phillips notes (BSE Inquiry Report, Vol 1, para 1290) "It will often be desirable to draw the secretariat from the commissioning Department(s) in order to provide a two-way channel of communication. In such cases as in all cases the secretariat must be careful to respect the independence of the committee."

¹¹ In due course, the commitments in the Code of Practice on Access to Government Information will be superseded by the requirements of the Freedom of Information Act. The right of access to information provided by the Freedom of Information Act will be brought into force in respect of all public authorities in January 2005. The duty to publish information in accordance with a publication scheme drawn up under the Act will be progressively rolled out across public authorities commencing in November 2002.

45. Assessors share with the secretariat the responsibility of ensuring that information is not withheld from the committee on the grounds of commercial or government confidentiality. They should also make the committee aware of the existence of any information that has been withheld from the committee on grounds justified under the Code of Practice on Access to Government Information. They should also ensure that their departments are promptly informed of any matters which may require a response from government¹² or which need to be discussed with the committee.

Working practices

46. Committees should operate from a presumption of openness. The proceedings of the committee should be as open as is compatible with the requirements of confidentiality¹³ (see also below under “Dealing with confidential information”). The committee should maintain high levels of transparency during routine business.
47. Committees and their secretariats should aim to prepare papers in accessible language.
48. Where the nature of its work may demand a rapid response, the committee should agree any special procedures to be used for producing urgent advice where it has not been possible to go through the normal channels. On such occasions the full committee should be informed as soon as reasonably possible of the advice that has been provided, and be given an opportunity to offer any further comment they may have on it. Where the committee’s considered view differs from the advice initially offered, the sponsoring department(s) should be promptly informed.
49. Committees should have in place systematic mechanisms for identifying the available research in a given area.
50. Where committees feel that necessary research is lacking, they should ask that such research be put in hand. Where a committee’s research is commissioned through its sponsoring department, departmental procurement rules and procedures should apply.
51. When committees commission new research on their own behalf, it is likely to be needed on a short timetable. Procedures for commissioning such work need to be quick and effective, but should take account of agreed procurement procedures.
52. In general, any new work required by the committee on its own behalf should be commissioned in the name of the committee, and not on behalf of individual members or associates of members on the committee. The committee should encourage the publication in the scientific press of any work it has commissioned including literature reviews by the secretariat. When such publication takes place, the committee should be acknowledged as the source of the initiative.
53. Committees must be able to assess or otherwise satisfy themselves as to the reliability of any research quoted or used in their decision making process. The researchers’ consent should be sought for external peer review of unpublished research.

¹² BSE Inquiry Report, Vol 1, 1279 and Government Response Annex I, Finding 101

¹³ BSE Inquiry Report, Vol 1, 1279 and Government Response Annex I, Finding 131

54. The committee should have mechanisms for reviewing previously offered advice in the light of new findings, and for submitting fresh advice if necessary. In its reports it should say what new information should prompt review or would further reduce the risk or uncertainty.

Reporting of risk and uncertainty

55. Committees should aim at having a transparent and structured framework to examine, debate and explain the nature of the risk. It is for committees to decide what form their risk assessments should take, but whatever procedure is used, it should be a systematic one. Whenever their work involves an assessment of risk, committees should consider carefully, taking into account the nature and scale of the problem, what precision of estimates is appropriate or realistic, in terms of costs, resources and time. Where a committee is asked to provide risk management options, it will normally be helpful for it to follow a formal structure based on recognised principles of risk assessment.¹⁴
56. Whenever the committee's work is likely to involve an assessment of risk or where the scientific evidence is expected to be subject to appreciable uncertainty, if not already available within its membership, advice should be taken from individuals or groups with relevant expertise and/or guidance: e.g. statistical modelling techniques, risk assessors, Interdepartmental Liaison Group on Risk Assessment.
57. Although it is important that decisions are based on all the available evidence, frequently a decision has to be taken when there are serious gaps in the knowledge base and considerable uncertainty exists. Where this is the case the committee should use its judgement to decide what it is best to recommend, based on their experience of advising on similar issues in the past.
58. It is inevitable that others may reach different judgements based on the same data and that sometimes judgements will prove to be wrong with the benefit of hindsight. Committees and secretariats should be open about both of these possible outcomes and committee reports should make clear where inadequate data is available and where judgements have had to be made in the face of uncertainty.
59. Within the context of the remit given to them, committees should use the most appropriate method of reporting outcomes that takes account of the level and type of uncertainty involved. Where practical and verifiable, risk should be reported in terms of the likelihood and consequences of the event. Sources of data should be quoted and any degree of auditing described. Where a range of policy options are considered, risks should be reported for each and reasons for choosing a preferred option should be made clear. This may require subsequent discussion with government. Committees should identify the sources and extent of uncertainties in the scientific analysis.
60. When communicating risks to the public, committees should take note of written guidance and other sources of advice available on the communication of risk and when

¹⁴ BSE Inquiry Report, Vol 1, 1290

necessary seek advice from individuals or groups with relevant expertise on risk communication.¹⁵

Procedures for arriving at conclusions

61. Committees should agree on the mechanisms by which the committee is to reach its view. Members should be clear about whether or not they are expected to reach a consensus on particular issues.
62. In cases where decisions are particularly significant, committees may decide to take views on preliminary drafts of its advice from relevant organisations, other parts of the scientific community or even, in some appropriate cases a representative sample of members of the public. Where there is a written consultation, appropriate elements of the Government's Code of Practice on Written Consultations should be followed.
63. Whatever mechanism is used for agreeing the advice a committee should offer, it is essential that the minutes of the meeting should clearly set out what was the result of the discussion.

Dealing with dissenting views

64. Committees should not seek unanimity at the risk of failing to recognise different views on a subject. These might be recorded as a range of views, possibly published as an addendum to the main report. However, any significant diversity of opinion among the members of the committee should be accurately reflected in the report.

Publication of documents – general

65. The committee should establish a policy on what documents are to be published based on principles of openness and transparency. All committees are expected to publish, as a minimum, programmes of work, meeting agenda, minutes, final advice and an annual report. Unless there are particular reasons to the contrary they should also routinely publish supporting papers. Openness from the outset about risks and concerns can sometimes prevent difficult situations arising later on in a committee's work.
66. 'Publication' need not mean traditional paper circulation. All committees should aim to have their own website or a distinct area within their sponsoring department's website. In certain circumstances, and in particular where the excessive cost of other methods would justify it, 'publication' may be achieved by posting the relevant information to a committee website. However, committees should not overlook the need to draw the attention of key stakeholders to the fact that publication is taking place.¹⁶ Where a website is used as the primary means of publication, it is important that this is accompanied by a permanent record. The committee will need to decide when it may be appropriate to supplement website publication by a circulation of paper copies to relevant stakeholders, or by contacting them to draw their attention to the website. In any event

¹⁵ Phillips notes that (BSE Inquiry Report, Vol 1, para 1275) "An advisory committee should not water down its formulated assessment of risk out of anxiety not to cause public alarm."

¹⁶ In some contexts, decisions on publication may not be for the committee to make, e.g. evidence to select committees.

paper copies should be available on request.

67. When decisions are taken to delay release of information, (for example to allow proper analysis), the committee should immediately agree realistic deadlines for public reporting.

Dealing with confidential information

68. Committees should abide by the principles contained in the Code of Practice on Access to Government Information.
69. The committee should develop a policy on the handling of confidential information, and communicate it to third parties, so that those submitting it know what to expect. Decisions on confidentiality should be exercised consistently with the Code of Practice on Access to Government Information.
70. Committees should be prepared to explain publicly why information is being withheld.
71. Much information, which is confidential, may be sensitive for a relatively short time (for example, market sensitive information). When making decisions to withhold information, consideration should be given to whether the documents could be released as soon as the sensitivity has passed and, if so, a future publication date should be determined accordingly.

Meeting agenda

72. Committees should make the agenda available prior to meetings. As a minimum this should be published on their website and a paper copy available on request.

Publication of minutes

73. The committee should publish minutes of its meetings. It is good practice for the secretariat to prepare minutes within two weeks of the meeting and after initial amendment/ approval by the chair to be circulated to the committee for comment. The committee should generally approve minutes at the meeting following the one to which the minutes relate and then subject to any corrections required, publish them as soon as possible thereafter. Where meetings are infrequent, committees should develop written procedures to ensure that the minutes can be agreed and published more expeditiously.
74. Committees should decide upon a format for their minutes. Where attribution of remarks to individuals might harm the freedom of discussion, the committee may decide that minutes should be written in an unattributable form. Where discussions are aimed at settling the text of a document to be published, and the discussion continues on over several meetings, the final document rather than the minutes may stand as the substantive record of the committee's deliberations on the text. Confidential information may be placed in an annex not for publication.
75. The minutes should accurately reflect the proceedings of the committee. They should be written in terms that make it easy for a layperson to understand the process by which a

view has been reached. Where it is necessary for the minutes to contain substantial technical detail, there should be a summary comprehensible to a layperson.¹⁷

Submitting and publishing a committee's advice

76. A committee's advice should be in writing¹⁸, and should be seen as independent of government.¹⁹ Where a situation is urgent, oral advice may have to be given but should be followed up by written confirmation of the advice.²⁰
77. Advice should be in terms that can be understood by a layperson. It should explain the reasoning on which the advice is based; make clear what principles, if any, of risk management are being applied²¹, any assumptions underlying the advice and identify the nature and extent of any uncertainty.²²
78. In situations of uncertainty, committees could offer a range of options or interpretations to their departments rather than just one²³. In so doing they should distinguish between options which are alternative interpretations of the scientific evidence, and options which involve other factors including social, ethical or economic considerations.
79. Committee reports and advice should indicate where, in forming a view, the committee has relied on any external advice or information provided by others which the committee has not reviewed.²⁴
80. Advice should normally be made public by the committee²⁵ at the time it is given or as soon as reasonably practicable thereafter. Where there are circumstances which justify giving advice in private, committees should consider whether the advice could be made public after a suitable time interval has passed. If so, they should publish the advice as soon as is reasonably practicable, and in any event within three months of submitting the advice. Reasons for privacy should be consistent with the principles of the Code of Practice on Access to Government Information.
81. Where there is a need to convey a decision as quickly as possible, the committee should consider a procedure for releasing the information. In such circumstances the Chair could release an interim statement shortly after a meeting through a press notice or otherwise.

¹⁷ A parallel statement to the minutes might be useful in situations where public appreciation of a decision on a complex issue would benefit from more detailed explanation or background information than is appropriate for the minutes.

¹⁸ From BSE Inquiry Report, Vol 1 para 1290 and Government Response Annex I, Finding 123

¹⁹ Phillips notes that (BSE Inquiry Report, Vol 1, para 1302) "any advice given by a CMO or advisory committee should be, and be seen to be, objective and independent of government."

²⁰ Phillips notes that (BSE Inquiry Report, Vol 1, para 1274) "Reference to outside expert committees involves delay. It should be avoided, where possible, in a situation of urgency." In its Interim Response to the Report of the BSE Inquiry", (p 77, recommendation 146 of Annex 1 "Detailed Findings") the Government said it believed that it is essential to move quickly to take expert advice on an ad hoc basis when there is an urgent need to do so.

²¹ From BSE Inquiry Report, Vol 1 para 1275 and Government Response Annex I, Finding 97

²² From BSE Inquiry Report, Vol 1 para 1290.

²³ From BSE Inquiry Report, Vol 1 para 1290.

²⁴ From BSE Inquiry Report, Vol 1 para 1275 and Government Response Annex I, Finding 95

²⁵ From BSE Inquiry Report, Vol 1 para 1290.

Frequency of publication, and content of regular reports

82. Committees should, where possible publish their future programme of work. They should aim to publish an annual report (unless special circumstances of the committee make it necessary to publish more or less frequently) of their activities.²⁶ Good practice would be to aim at producing such a report within a defined time from the end of the year in question, say three months, but the committee may wish to determine the appropriate period. This report should contain details of committee membership/associations, members' interests, terms of reference, a financial statement including fee payments to members, methods for resolving conflict and a glossary of terms. It should not be necessary to publish members' private addresses.

Stand-alone reports on specific issues

83. The committee should also aim to publish stand-alone reports on specific topics. Published reports should record the sources of information used together with any restrictions on availability. Reports could also record requests for information that were refused and the grounds for such refusal.
84. The committee should ensure that its reports list the names of the people or bodies who were invited to give evidence, those who gave evidence and record any potential conflicts of interest.

Publication of background documentation

85. In order to help provide a full appreciation of its advice and decisions, the committee should, where appropriate, facilitate public access to documents or information that have contributed to the formulation of its advice. This would enable third parties to better understand the conclusions reached and decisions taken.
86. Where documents are already in the public domain the committee should not be under an obligation to publish them. It will usually be sufficient for the committee to identify the source for the documents concerned (or provide a website address) so as to enable enquirers to obtain their own copies. A committee should not normally feel itself under an obligation to provide layman's versions of material that it did not itself originate.
87. Where the committee has relied on previously unpublished background papers, a decision will need to be made as to whether to publish the papers. In cases where the costs of traditional paper publication would not be justified, the committee's obligation to provide information could be discharged either by posting the documents on the committee's website, or by allowing enquirers access to the documents concerned.
88. Where a committee's disclosure of information would involve bringing into the public domain previously unpublished research, it should be sensitive to whether this could

²⁶ Committees which are Advisory Non Departmental Public Bodies (ANDPBs) will need to produce annual reports in any event in accordance with the Model Code of Practice for Board Members of Advisory Non Departmental Public Bodies

hinder the process of formal publication elsewhere and, if so, endeavour to negotiate arrangements which avoid the problem (such as parallel publication).

Working papers

89. To ensure openness and transparency committees should seek to keep the public and stakeholders informed as they develop advice. In addition to timely publication of minutes and agenda committees should consider publishing interim working papers where these would be helpful. All substantive and significant papers should be published as soon as possible once a committee has formulated and delivered its advice, unless non-disclosure is justified under the Code of Practice on Access to Government Information.

Publication of applications

90. Committees which deal with cases should publish on their websites details of the cases received, so that stakeholders and interested parties have the opportunity to comment in advance of decisions being taken.

Communication with the public

91. Committees should develop a policy for the communication of their work to the public and other interested parties and for receiving feedback. There is a range of mechanisms that can be used such as: open meetings, public consultation, dialogue with interested parties and the calling of outside experts to attend meetings.
92. Committees should identify interested parties and consider maintaining an open register of relevant stakeholders. They should consult on issues that generate widespread public concern or raise significant ethical questions.²⁷ Particular attention should be paid to the communication of risk assessments.

Open meetings

93. Committees should aim to hold open meetings on a regular basis, or provide equivalent opportunities for direct public access. Open meetings may need to be organised in a different way from a committee's normal meetings.

Public consultation

94. Public consultations, written or otherwise, should accord with the Government's *Code of Practice on Written Consultation*. Where consultation takes place, it should be recognised that consultation will generally be designed to enable the committee to reach a view on the advice it should offer, not necessarily on the policy options to be pursued. Any consultation on policy options will generally be for the government. A committee may however wish to advise government on where it thinks public consultation might be necessary.

²⁷ Committees should recognise that views expressed at open meetings or by individual members of the public may not be those of the public generally.

95. Documents issued for consultation should include a list of all the consultees to whom they are being sent. Secretariats should keep lists of consultees and ensure relevant centres of scientific excellence are made aware of consultation exercises.
96. The general principle of consultation is that there should be transparency, which means that the public should be able to understand the procedures by which the committee arrived at its decisions. There should also be openness, in the sense that the public should have sufficient information available to be able to understand the chain of reasoning underlying a committee's advice, and have access to the information on which the committee based its assessments. (Annex B)

Peer review

97. A committee's draft findings may benefit from review by a wider range of experts than those on the committee. Final publication of advice should also be in sufficient detail to allow other experts to evaluate the committee's judgement.

Communication with the media

98. Committees should decide on who should represent them to the media e.g. departmental press officer, independent press officer, Chair. Committees should establish rules of conduct on whether confidential/personal briefings given by members to interested parties are permitted. Such rules of conduct need not affect a member's freedom to represent his or her field of expertise in a personal capacity. The committee's rules however should generally oblige members to make clear when they are not speaking in their capacity as committee members.

Information exchange

99. Committees should be told of the existence of any other relevant committees and have opportunities to exchange information with them. This might involve giving other committees advance notice of significant announcements, copying relevant documents or sharing best practice through joint meetings. Where appropriate committees should develop contacts with relevant European Union and international committees.
100. Where a committee's work is closely related to that of another advisory committee, they need to be clear who has responsibility for what. This should be recorded in writing. They should consider setting up a system of cross-representation so that each committee includes a member of the other, or asking the bodies responsible for appointments to consider doing so. This should have the effect of forging close links between them and avoiding inconsistencies of approach in related fields.

For further information on the Code of Practice for Scientific Advisory Committees contact:

**The Director
Science in Government
Office of Science and Technology
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET**

The Seven Principles of Public Life (Nolan Principles)

1. Ministerial Responsibility

The ultimate responsibility for appointments rests with Ministers.

2. Merit

All public appointments should be governed by the overriding principle of selection based on merit, by the well informed choice of individuals who, through their abilities, experience and qualities, match the needs of the public body in question.

3. Independent Scrutiny

No appointment shall take place without first being scrutinised by a panel which must include an Independent Assessor.

4. Equal Opportunities

Departments should sustain programmes to promote and deliver equal opportunities principles.

5. Probity

Board members must be committed to the principles and values of public service and perform their duties with integrity.

6. Openness and Transparency

The principles of open Government must be applied to the appointments process, its workings must be transparent and information must be provided about appointments made.

7. Proportionality

The appointments procedures need to be subject to the principle of 'proportionality'. That is they should be appropriate for the nature of the post and the size and weight of its responsibilities.

Cabinet Office Consultation Criteria

To reproduced in consultation documents

The criteria in this code apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under European Community law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

The criteria should be reproduced in consultation documents, with an explanation of any departure, and confirmation that they have otherwise been followed.

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
3. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.

References and useful publications.

The Advisory and Regulatory Framework for Biotechnology: Report from the Government's Review, Cabinet Office/Office of Science and Technology, May 1999
<http://www2.dti.gov.uk/ost/ostbusiness/index.htm>

Civil Service Code, Cabinet Office <http://www.cabinet-office.gov.uk/central/1999/cscore.htm>

Code of Practice on Access to Government Information, Cabinet Office 1997
<http://www.lcd.gov.uk/foi/ogcode981.htm>

The Commissioners' Guidance on Appointments to Public Bodies, Office of the Commissioner for Public Appointments, July 1998 <http://www.ocpa.gov.uk/leaflets/guidance.pdf>

The Commissioners' Code of Practice for Public Appointments, Office of the Commissioner for Public Appointments, July 2001 <http://www.ocpa.gov.uk/leaflets/codeofpractice.pdf>

First Report of the Committee on Standards in Public Life, HMSO, 1996
<http://www.official-documents.co.uk/document/parlment/nolan/nolan.htm>

Freedom of Information Act 2000 HMSO
<http://www.legislation.hms.gov.uk/acts/acts2000/20000036.htm>

Good Practice for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest, Office of Science and Technology, July 2000
<http://www2.dti.gov.uk/ost/whatsnew/index.htm>

Guidelines 2000: Scientific Advice and Policy Making, Office of Science and Technology, July 2000 <http://www2.dti.gov.uk/ost/whatsnew/index.htm>

Guidelines for UK Government Websites, Cabinet Office, December 1999 <http://www.e-envoy.gov.uk/publications/guidelines/webguidelines/websites/index.htm>

Code of Practice on Written Consultation, Cabinet Office, November 2000
<http://www.cabinet-office.gov.uk/servicefirst/2000/consult/code/ConsultationCode.htm>

Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies, Cabinet Office, 1998 http://www.cabinet-office.gov.uk/central/1998/mcp_0998.htm

Modernising Government White Paper, Cabinet Office, March 1999 <http://www.cabinet-office.gov.uk/moderngov/whtpaper/index.htm>

Non-Departmental Public Bodies: A Guide for Departments, Cabinet Office, April 2000
<http://www.cabinet-office.gov.uk/guidance/one/directory.asp?intID=77>

OXERA report: Policy, Risk and Science: Securing and Using Scientific Advice, Health and Safety Executive, published October 2000
http://www.hse.gov.uk/research/crr_pdf/2000/crr00295.pdf

Quangos: Opening the Doors, Cabinet Office, July 1998 http://www.cabinet-office.gov.uk/central/1998/pb/open/od_main.htm

Risk Communication: A Guide To Regulatory Practice, ILGRA, 1998
<http://www.hse.gov.uk/dst/risk.pdf>



Printed in the UK on recycled text paper with a minimum HMSO score of 75.
December 2001. Department of Trade and Industry. <http://www.dti.gov.uk/>
© Crown Copyright. DTI/Pub 5841/3k/12/01/NP. URN 01/1495.